

**State of California
California Regional Water Quality Control Board, Los Angeles Region**

**In the Matter of:
County of Ventura, and the
Ventura Regional Sanitation District**

**Complaint No. 98-022 for Administrative Civil Liability
for Violations of the California Water Code and Order No. 96-040 (NPDES No. CA0059005)
Waste Discharge Requirements for Nyeland Acres Wastewater Treatment Plant**

YOU ARE HEREBY GIVEN NOTICE THAT:

1. The County of Ventura (County) and Ventura Regional Sanitation District (VRSD) are alleged to have violated requirements for the Nyeland Acres Wastewater Treatment Plant (NAWTP), contained in Order No. 96-040, for which the California Regional Water Quality Control Board, Los Angeles Region (hereinafter Regional Board) may impose civil liability under section 13385 of the California Water Code (CWC).
2. Unless waived, a hearing on this matter will be held before the Regional Board at a regularly-scheduled public meeting that will start at 9:00 a.m. on May 18, 1998 at the Richard H. Chambers Court of Appeals Building, 125 Grand Avenue, Main Courtroom #3, Pasadena. You and/or your representatives will have an opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. An agenda for the hearing will be mailed to you not less than ten days before the hearing date.
3. At the hearing, the Regional Board will consider whether to affirm, reject or modify the proposed administrative liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability, or any other action appropriate as a result of the hearing.

ALLEGATIONS

4. Since July 1996, the County and VRSD have violated Order No. 96-040 by discharging effluent from NAWTP with concentrations of residual chlorine that exceed a limitation of 0.1 mg/L. The following facts are the basis for the alleged violations.
 - a) NAWTP, located at 3250 Ventura Blvd., Oxnard, California, operates under requirements specified in Board Order No. 96-040 (NPDES CA0059005). The County owns NAWTP. The County retains VRSD to operate NAWTP.
 - b) NAWTP has provided services for collection and treatment of domestic wastewaters from homes in Nyeland Acres since 1983. Nyeland Acres, which consists of about 470 homes to the northeast of the City of Oxnard, is a low-income community in an unincorporated area of Ventura County.
 - c) Treated wastewaters from NAWTP are discharged to Beardsley Wash. Although Beardsley Wash has been modified with concrete lining for flood control purposes at the point of discharge, it is a tributary to Revolon Slough, Calleguas

Creek, and Mugu Lagoon. Mugu Lagoon is an important biological resource, which provides habitat for several threatened and endangered species.

- d) On June 10, 1996, the Regional Board held a public hearing to consider comments regarding a tentative Order for NAWTP specifying revised requirements for NAWTP, among others. At that hearing, VRSD requested continuance of the tentative Order for NAWTP, in order to propose modifications to monitoring requirements included under that tentative Order. After considering comments, the Regional Board adopted Order No. 96-040 (NPDES Permit No. CA0059005), specifying revised requirements for discharge of treated wastewater from NAWTP to Beardsley Wash and downstream waters. Furthermore, the Regional Board instructed the Executive Officer to consider comments concerning the monitoring requirements under Order No. 96-040.
- e) Order No. 96-040, section 1.2.a, includes a daily maximum effluent limitation of 0.1 mg/L for residual chlorine, in accordance with water quality objectives in the *Water Quality Control Plan for the Los Angeles Region (Basin Plan)*. Requirements in Order No. 96-040 also include, among others, self-monitoring as specified in Monitoring and Reporting Program (M&RP) No. 6542. The point of compliance for the effluent limitation for residual chlorine is at each point of discharge into Beardsley Wash.
- f) VRSD has not been able to comply with the daily maximum effluent limitation of 0.1 mg/L for residual chlorine contained in Order 96-040. As reported in monthly reports submitted by VRSD since July, 1996, effluent discharged from NAWTP into the concrete-lined portion of Beardsley Wash has consistently had concentrations of residual chlorine ranging from 11 mg/L to 36 mg/L. These concentrations of residual chlorine are in excess of the limitation of 0.1 mg/L, and therefore constitute a violation of Order No. 96-040, section 1.2.a.
- g) In letters dated November 20, 1996, November 21, 1996, and February 21, 1997, Regional Board staff notified VRSD of violations of the effluent limitation for residual chlorine. Regional Board staff also had several verbal communications with VRSD regarding this violation, and the need to take corrective action.
- h) Following comments considered at the public hearing on June 10, 1996, staff from both the Regional Board and VRSD attempted to reach an agreement regarding modification of monitoring requirements under Order No. 96-040. However, no agreement was reached until October 1, 1997, when the Executive Officer and other Regional Board staff met with representatives of the County and VRSD. At that meeting, Regional Board staff advised the County and VRSD that revisions to M&RP No. 6542 would not preclude imposition of administrative civil liability for failure to comply with the limitation for residual chlorine in Order No. 96-040.

- i) In a letter dated October 10, 1997, the Executive Officer formally revised M&RP No. 6542 for NAWTP. As this revision did not affect the status of exceedances of the limitation for residual chlorine, effluent discharged from NAWTP continued to be in violation of Order No. 96-040, section 1.2.a.
- j) At a meeting on January 20, 1998, staff from the Regional Board, County, and VRSD discussed the residual chlorine violations and a possibility of a supplemental environmental project, in lieu of a payment to the State Cleanup and Abatement Account for administrative civil liability, to benefit the local environment.
- k) In letters dated January 28, 1998 and March 3, 1998, the County provided information regarding the scheduled abandonment of NAWTP, and redirection of wastewaters from the community of Nyeland Acres to a sanitary sewer system operated by the City of Oxnard. This correspondence also contained information on a supplemental environmental project, to augment funds for proper sealing and destruction of abandoned wells on the Oxnard Plain.

PROPOSED CIVIL LIABILITY

- 5. The maximum civil liability that could be imposed under sections 13385(c)(1) and 13385(c)(2) is \$23,270,000, as discussed below.
 - a) Section 13385(c)(1) of the CWC authorizes a maximum civil liability of \$10,000 per day. By failing to comply with the limitation for residual chlorine in Order No. 96-040, section 1.2.a, from July 1, 1996 to January 20, 1998, the County and VRSD are alleged to have violated Board Order 96-040 for 568 days. Therefore, under section 13385(c)(1) of the CWC, the maximum civil liability that could be imposed for this violation is \$5,680,000.
 - b) Section 13385(c)(2) of the CWC authorizes a maximum civil liability of \$10 times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons. From July 1, 1996 to January 20, 1998, the County and VRSD discharged approximately 1.76 million gallons in violation of the limitation for residual chlorine in Order No. 96-040. Therefore, under section 13385(c)(2) of the CWC, the maximum civil liability that could be imposed for this violation is \$17,590,000.
- 6. Pursuant to section 13385(e) of the CWC, the Regional Board is required to consider the following factors in determining the amount of civil liability to be imposed: the nature, circumstances, extent, and gravity of the violations; with respect to the violator, the ability

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Alternatively, should the County decide not to perform the proposed supplemental environmental project, the County and VRSD must pay the total civil liability of \$4,820 to the State Cleanup and Abatement Fund by April 20, 1998.

8. In the event that the County and VRSD choose to waive their right to a hearing, an authorized agent must sign the waiver attached to this Complaint, and return it to the Regional Board by April 20, 1998. The signed waiver must be accompanied by payment of the civil liability of \$4,820 (which may include evidence of payment for the proposed supplemental environmental project).
9. Should the County and VRSD not waive their right to a hearing, a hearing will be held during the regularly-scheduled public meeting of the Regional Board on May 18, 1998. In the event that the Board affirms this Complaint, payment of the total civil liability will be due on June 18, 1998.
10. In the event that the County fails to make payment as specified above, the Executive Officer is authorized to refer this matter to the Attorney General for enforcement.
11. This Complaint is issued to enforce a permit duly adopted by this Regional Board and is, therefore, exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.), pursuant to Title 14, CCR, Section 15321.

Dennis A. Dickerson, Executive Officer
Dated: March 20, 1998

WAIVER OF THE RIGHT TO A HEARING

By signing below and attaching a check for the amount of civil liability proposed in Administrative Civil Liability Complaint No. 98-022, the County of Ventura, on behalf of itself and the Ventura Regional Sanitation District, waives the right to a hearing before the Regional Board. The County of Ventura understands that it is giving up its right to argue against the allegations made by the Executive Officer in this Complaint, and against imposition of, and the amount of, civil liability imposed.

Signature: _____

Name: _____

Position: _____

County of Ventura

Date: _____